

REMARKS

Enclosed herewith is a verified English translation of Japanese priority document no. 2003-093615. The certified copy of this document was filed on March 31, 2003 in Japan.

Claims 1-5 and 10-11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kishida et al. (U.S. Publication No. 2003-0156247) in view of Chen et al. (U.S. Publication No. 2002-0047983). Applicants respectfully traverse the rejection in view of the perfection of the foreign priority date of March 31, 2003, and also because the cited references fail to disclose or suggest measuring a thickness of a cell or a height of a pillar spacer formed on one of the pair of substrates during the polymerizing of a polymerizable component.

Kishida has a U.S. filing date of February 19, 2003, and a Japanese filing date of February 20, 2002. The foreign priority reference of the present application has a filing date of March 31, 2003. Thus, the foreign priority date of the present invention is less than eighteen months from the corresponding Japanese related reference of Kishida. Accordingly, Kishida is only prior art only 35 U.S.C. 102(e) against the present application.

As discussed in MPEP § 706.02(1)(1), for applications such as this one which were filed on or after November 29, 1999, subject matter which was previously considered as prior art under former 35 U.S.C. §103 via 35 U.S.C. §102(e) is now disqualified as prior art against the claimed invention if that subject matter and the

claimed invention were, at the time that the invention was made, owned by the same person or entity or subject to an assignment to the same person or entity.

In the instant case, Applicants respectfully submit that both the present application and Kishida were previously, at the time that the claimed invention was made, commonly owned by the same entity, Fujitsu Display Technologies Corporation. The Kishida reference, now U.S. Patent No. 6,903,787, was assigned to Fujitsu Display Technologies Corporation since February 17, 2003, as evidenced in the Assignment Records on Reel 13993, Frame 0539. The present application, Serial No. 10/812,402 was also assigned to Fujitsu Display Technologies Corporation, as evidenced in the Assignment Records on Reel 15568 and Frame 0849.

Accordingly, as evidence establishing common ownership has been provided, Applicants respectfully request that the Kishida reference be withdrawn as valid §103 prior art (see MPEP §706.02(1)(2)(II)). Since the Kishida reference has been withdrawn as prior art, Applicants respectfully submit that, for at least this reason, the §103 rejection of claims 1 and 10-11 over Kishida in view of Chen should be withdrawn.

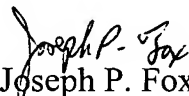
In addition to the above, Applicants respectfully traverse the rejection because Chen teaches that during pressing of the two substrates, cap widths at measured points are monitored and fed back to modify parameter distribution (see paragraphs [0012] and [0014] of Chen). The parameters taught by Chen are parameters used in the step of pressing the two substrates. The step of polymerizing the polymerizable component is different from the step of pressing of the two substrates.

Claim 1 of the present application calls for the parameter in the step of polymerizing the polymerizable component being controlled under feed back of a measured thickness of the cell or a measured height of the pillar spacer. Since Chen and Kishida fail to disclose or suggest this feature, withdrawal of the §103(a) rejection of claims 1-5 and 10-11 is also requested for this reason.

For all of the foregoing reasons, Applicants submit that this Application is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

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